

# Order

Michigan Supreme Court  
Lansing, Michigan

March 28, 2007

Clifford W. Taylor,  
Chief Justice

131949

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 131949  
COA: 261132  
Wayne CC: 04-010419-01

ANTHONY JAKE HATCHETT,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the July 11, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals, we VACATE the sentence of the Wayne Circuit Court, and we REMAND this case to the trial court for resentencing. The court plainly erred in considering the defendant's continuing claim of actual innocence. A court cannot base its sentence even in part on a defendant's refusal to admit guilt. *People v Yennior*, 399 Mich 892 (1977). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s0321

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2007

*Corbin R. Davis*

Clerk